REMARKS

The Applicant has now had an opportunity to carefully consider the comments set forth in the Office Action of November 5, 2003. All of the rejections are respectfully traversed. Amendment, reexamination and reconsideration are respectfully requested.

The Office Action

In the Office Action mailed November 5, 2003:

The Examiner required an amendment correcting dependencies due to the Examiner's renumbering of claims; and

Claims 1-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,901,287 to Bull et al. ("Bull").

Telephone Interview Summary and Claim Renumbering

The Office Action states that the Examiner has renumbered **claims 4-18** to be **claims 3-17**. However, as pointed out by the Office Action, **37 C.F.R. §1.126 requires the original numbering of the claims to be preserved throughout the prosecution.**

Additionally, 37 C.F.R. §1.126 states that —when the application is ready for allowance, the Examiner, if necessary, will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by the Applicant--(MPEP §608.01 (j)).

For the foregoing reasons, the Applicants submitted Applicant's Amendment A in which it was respectfully submitted that the renumbering of the claims must be undone and the amendment related to the renumbering requested by the Office Action cannot be entered. Therefore, the Applicants did not present an amendment correcting dependencies at that time. Instead, reconsideration and withdrawal of the request to amend the claims to change the dependencies was respectfully requested.

On July 13, 2004, the Examiner telephoned one of the representatives of the Applicants, Mr. Thomas Tillander, and again requested that an Amendment be presented that references the claims according to the renumbering of the Examiner and corrects claim dependency in keeping therewith. In follow up phone conversations and messages the Examiner indicated, that even though the Office Action of November 5, 2003 indicates that the claims have already been renumbered, the applicants are to submit an amendment showing the renumbering and indicating in the parentheticals that the claims are —currently amended—. This Supplemental Amendment is in compliance with the requirements of the Examiner. For the convenience of the

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Examiner, the remarks made in the Applicant's Amendment A are represented here with references to the claims changed to reflect the new claim numbering.

The Present Application

By way of brief review, the present application is directed to an information and communication system that can use a web page like environment, referred to as a "Personal Space", to integrate a plurality of communication and monitoring functions. The system can link and automate enterprise components. Communication services are accessed through a wide variety of devices and are facilitated by the personal space. Databases are built and used to customize user services. User profiles and system use patterns are compared and analyzed to continuously improve system performance (Abstract).

The system may be provisioned to provide information to, for and about the user, about, for and to associates of the user. For example, a relationship database includes entries for associates of the user, including individuals and organizations that the user wishes to grant access to portions of the personal space. The relationship database may include entries that describe portions of the personal space each associate may have access to, as well as any passwords, encryption methods and similar security information associated with each associate (e.g., page 20, line 36 - page 21, line 3).

For instance, a heart monitor may gather data about the function of a user's heart. The user can authorize delivery of this information to associates of the user, for example, a medical system, medical professional or a family member. The information can be presented to the selected associate either as a report, a message or through, for example, an icon or other metaphor that is accessed when the selected person browses the personal space. In one configuration, the user has a personal space. The user's son has a second personal space. The user can authorize the son to view the status of the heart monitor.

In another configuration, the user has a personal space but a physician of the user does not have a personal space. The user can authorize a report of heart function to be sent to the physician, or a healthcare entity via an email, fax or other means (page 16, line 6 - page 17, line 4).

In another example, an associate of the user might be a merchant. The user might give permission for a merchant to access the user's personal space to retrieve transaction information, such as shipping information, a credit card number and an

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expiration date. For instance, the merchant may collect the transaction information via a mechanism referred to as an information pull (page 9, line 37 - page 10, line 2). In yet another example, associates of the user include members of a household or enterprise. A central communication's device of a personal space is tied via a local network to a television, an electronic toy, a baby monitor, a patient monitor, a water gage, a thermostat, a telephone, a security device, a printer and a refrigerator (page 7, lines 24-30). When the user or associates of the user are not in the enterprise, they can connect to the personal space via a telephone, or computer network and query the personal space as to activity within the enterprise. In this way, the user can draw conclusions as to status within the enterprise without having to disturb the activity within the enterprise. For example, by noting activity at the television, such as, for example, a channel setting and a volume level along with a time of day, the user may surmise that one or more children are in the enterprise. Additionally, by observing activity at the refrigerator, for example, a frequency with which, or times at which, the door of the refrigerator has been open, the user may surmise that someone is preparing a meal. Additionally, by logging into the personal space, the user may find messages left by associates of the user or by the personal space itself. For example, the user may find a reminder to come home early in order to attend a sporting event. The message can be left by an associate at a time that is convenient for the associate and retrieved at a time that is convenient for the user. In another example, an associate of the user uses a password or wireless entry device such as a wireless key fob with a unique serial number associated with the associate to gain entry into the premises. The personal space updates whereabouts information associated with the associate. That information is viewable by the user from, for example, a remote location. Additionally, the premises entry initiates activities associated with the entry of the associate. For example, messages are displayed on a refrigerator or other device or announced over entertainment system speakers or other devices (page 8, lines 9-31).

Other communication services are also provided. For example, improved or customized information searching, retrieval and delivery mechanisms can be provided by the personal space.

The Cited Reference

In contrast, the primary reference of the Office Action to Bull does not disclose or suggest providing information to, for and about a user —about, for and to associates of

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the user. Instead, Bull allegedly discloses an information aggregation and synthesis process and system which allegedly includes at least six different aspects or functional components which are related (column 3, line 12-22). The six aspects of the information aggregation and synthesis system are: I. URL munging, II. WWW CD-Rom, III. Software Agent Advertising, IV. Automated Profile Generation, V. Automated Lead Generation and VI. Software Agent Unmet Needs Generation.

URL munging is a process that allows goods and services of many merchants to be displayed through a single virtual shopping center.

WWW CD-Rom is a CD-Rom that is burned or recorded and then sent by Express delivery to the user. The user selects World Wide Web content for retrieval and selects certain of these references to be included in the custom CD.

Software Agent Advertising Insertion provides the insertion of an ad into a displayed web page based on the content of the existing web page being read by the user. An analysis of the text stream from the user's interactive session is performed online. For example, if the user accesses web pages for Holiday Inns on the west coast, the insertion mechanism could be established to automatically insert ads for Hilton Inns on the west coast.

Automated Profile Generation involves monitoring the searching patterns of the user. A set of software text agent profiles is developed and may be integrated with explicitly collected profile information. As the user uses the information aggregation and synthesis system, the pattern of information being viewed is analyzed and the user presented with search ideas as well as promotions and specials from suppliers based on these patterns.

In Automated Lead Generation, leads are generated by recording the user's WWW site selections. For example, users visiting a "Chicago" information site would be "Chicago" leads. The users WWW viewing patterns are recorded. These, and optionally, the user's profile are matched against software text agents entered by a supplier. When these agents match a pattern/profile, the supplier is notified.

Under the Unmet Needs Generation software agent, records are maintained from user usage of the internet or what consumer queries are unmet by the WWW content retrieved. The system of Bull will allegedly intuitively constructs a profile from user input data. From this, a profile will be developed to identify new markets. As an example, if one hundred people inquire about snorkeling off the coast of Texas, this information could be sold to a tour provider who could not only prepare a travel package but sell the

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leads to a company. Thus, the system will be able to gather "negative" leads (column 4, line 35 - column 5, line 45).

In this regard, it is respectfully submitted the information aggregation and synthesis system of Bull is directed toward advertising and lead generation based on searching and internet activity of a system user. <u>Bull does not disclose or suggest communication services for simplifying communication between a user and associates of a user</u>. As such, Bull does not disclose or suggest an access management engine for maintaining security of a system wherein the access management engine is operative to hold records of at least one user and <u>associates of the user</u> and information to which the at least one user <u>and associates</u> have access.

The Office Action asserts that Bull does disclose an access management engine operative to hold records of at least one user and associates of the user and information to which the at least one user and associates have access and directs the attention of the Applicants to column 7, lines 46-57 in support of this assertion. However, the cited section of Bull merely describes how <u>a user</u> may log onto the system of Bull. <u>The cited section does not disclose or suggest that associates of the user are designated or have any access to a personal space of the user.</u>

The Claims Are Not Anticipated

Claims 1-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Bull.

In explaining the rejection of **claim 1**, the Office Action asserts that Bull discloses an enterprise information and communication system comprising a transaction management engine and an access management engine. In support of the assertion related to a transaction management engine, the Office Action directs the attention of the Applicants to column 11, lines 64-67. However, column 11, lines 64-67 define a session management system of Bull as a system that tracks and records a user's browsing activity, sets ID tokens, establishes accounts, translates anonymous users to named users and manages the users implicit profile information.

A transaction management engine according to the specification of the present application manages transaction items, such as, for example, purchases, bills, vouchers and email notifications. The transaction management engine automates tedious clerical tasks. For example, having been configured through the services of a provisioning engine, a transaction management engine may monitor email traffic in anticipation of the arrival of a credit card bill. When the credit card bill arrives, the transaction

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management engine correlates the items on the bill with events logged in a calendar of the user. For example, items charged while the user is scheduled to be on a business trip are noted and logged in a spreadsheet as business expenses. The transaction manager connects entities such as messages, people, calendars, etc. into a sequence that represents a known transaction for the user (page 11, line 34 - page 12, line 10). It is respectfully submitted that the session management system of Bull does not anticipate or suggest the transaction management engine recited in **claim 1**.

In support of the assertion related to the access management engine, the Office Action directs the attention of the Applicants to column 7, lines 47-57 of Bull. However, as explained above, the referenced section is related to the user logging in by name or by pseudonym or from data previously stored in the user access system. The user is presented with a variety of options to create or update profile information in the user profile data store. It is respectfully submitted that neither the referenced section or Bull as a whole disclose or suggest an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user. Nor does Bull disclose or suggest an access management engine operative to hold records of information to which the at least one user and associates have access.

In further explaining the rejection of **claim 1**, the Office Action asserts that Bull discloses an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices and directs the attention of the Applicants to column 3, lines 26-42 and column 13, lines 9-31. However, it is respectfully submitted that column 3, lines 26-42 explains that the user may access the system through a network addressable device such as a personal computer, internet appliance, interactive television, personal digital assistant or smart phone. The referenced section does not disclose or suggest an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.

Column 13, lines 9-31 are related to a user accessing the system through a network addressable interface device to select and designate certain World Wide Web references to be included in a custom CD-Rom, which will be burned or recorded onto a compact disc and then sent by express delivery to the user. Again, the referenced section does not anticipate an input control engine operative to maintaining and use device drivers accepting and managing input from a user through associated devices.

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For at least the foregoing reasons, it is respectfully submitted that **claim 1**, as well as **claims 2-11**, which depend therefrom, is unanticipated and is not obvious in light of Bull.

In explaining the rejection of **claim 2**, the Office Action asserts that Bull discloses a profile manager operative to store and analyze information in the at least one database about the at least one user and about devices associated with the system. In support of this assertion, the Office Action directs the attention of the Applicants to column 7, line 47 - column 8, line 6 and column 10, lines 35-43. However, it is respectfully submitted that neither of these cited portions of Bull disclose or suggest a profile manager operative to store and analyze information about devices associated with the system. Clarification is respectfully requested.

For at least the foregoing additional reasons, **claim 2** is unanticipated and is not obvious in light of Bull.

In explaining the rejection of **claim 3**, the Office Action asserts that Bull discloses a time management engine operative to maintain control of time sensitive events and information in the at least one database and to generate messages regarding time sensitive information. In support of this assertion, the Office Action directs the attention of the Applicants to column 8, lines 17-22. However, the referenced section merely explains that a user may establish a persistent software text agent with criteria, which, if met sometime in the future, will cause the user to be notified through an I/O system. The cited section explains that the user may establish this persistent software text agent at any time. While the referenced section includes the word --time--, it does not disclose or suggest a time management engine. For example, a time management engine under the present invention is a software component running on a processor which maintains time and a list of events to be triggered by time. At the appropriate time, these events (requests, alerts, etc.) are launched by the time management engine. The time management engine maintains control over all time sensitive events, data and tasks. It is respectfully submitted that the description of a persistent software text agent provided by Bull does not anticipate the time management engine disclosed in the present application and recited in **claim 3**.

For at least the foregoing reasons, **claim 3** is unanticipated and is not obvious by Bull taken alone or in any combination.

In explaining the rejections of **claims 4-6** the Office Action asserts that Bull discloses a translation engine, a provisioning engine and a control operative to

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negotiate and allocate information and communication system resources. In support of this assertion, the Office Action points generally to column 9, line 37 – column 10, line 20. However, this cited portion of Bull is a list of 39 "key system components". It is respectfully submitted that it is unclear which of these are considered to be, for example, anticipatory of a provisioning engine operative to accept, store and coordinate information and communication system configuration information or a control operative to negotiate and allocate information and communication system resources. The Applicants have reviewed Bull and have found no such anticipatory disclosure. Clarification and reconsideration are respectfully requested.

For at least the foregoing additional reasons, it is respectfully submitted that **claims 5-6** are unanticipated and are not obvious in light of Bull.

Arguments similar to those submitted in support of **claim 1** are submitted in support of **claim 7**.

For the foregoing additional reasons, **claim 7**, as well as **claims 8-11**, which depend therefrom, is unanticipated and is not obvious in light of Bull.

In regard, to **claims 12-17**, the Office Action makes rejections based on similar rational to the rational presented in regard to **claims 1-11**. In this regard, arguments similar to those presented in support of **claims 1-11** are submitted in support of **claims 12-17**.

Additionally, **claim 12** recites an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system. The Applicants have reviewed Bull and have found no disclosure or suggestion of an enterprise information and communication system comprising an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system.

For at least this additional reason, **claim 12**, as well as **claims 13-17**, which depend therefrom is unanticipated and is not obvious in light of Bull.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

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CONCLUSION

Claims 1-2 remain in the application. The renumbering of Claims 4-18 to Claims 3-17 is acknowledged. For the at least the foregoing reasons, claims 1-17 are in condition for allowance. An early indication thereof is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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Date July 14, 2004
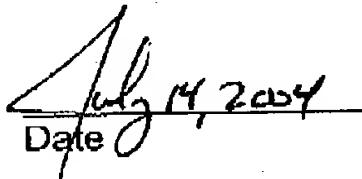
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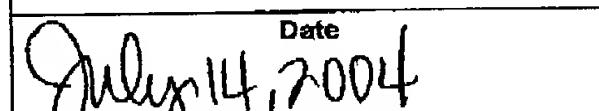Cleveland, Ohio 44114-2579
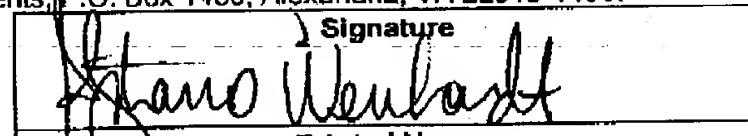(216) 861-5582

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